IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 9384 of 2005

Between:

P.Kuppamma, W/o. T.Doraswamy Reddy,
Hostel Welfare Officer Grade-II, Government Girls Hostel (B.C), .
Penumur, Chittoor Distict.

..... PETITIONER

AND

1 The District Collector (B.C.W.),
Chittoor, Chittoor District.
2 The Commissioner of Backward Class Welfare, Government of . Andhra Pradesh,
Telugu Samkshams Bhavan, Masab Tank,
Hyderabad(AP)
3 The Government of Andhra Pradesh, rep.by its Secretary,
Backward Class Welfare Department, Secretariat Buildings,
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders more particularly one in the nature of writ of certiorari calling for the records of the 1st Respondent in Proc.Roc.No. A/686/2000, dated: 22.11.2004 and set aside the same by holding and declaring that the impugned order of punishment of stoppage of 5 increments with cumulative effect is a major penalty and the impugned orders were passed without following the procedure comtemplated in Rule 20 and 21 of the A.P.C.C.A Rules 1991 and further direct the respondents to release all the Increments due to the petitioner and further direct the respondents to consider the case of the petitioner for promotion as Hostel Welfare Officer Grade-I w.e.f. the date on which her juniors were promoted with all consequential benefits such as arrears of salary, seniority and consequently set aside the judgment of the A.P. administrative Tribunal in O.A.No.489/2005, date29.3.2005

Counsel for the Petitioner:MR.P.V.SUBRAHMANYA SARMA
Counsel for the Respondents.: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER: (Per the Hon'ble Sri Justice G.Bikshapathy)

-

-

This Writ Petition is filed by the petitioner challenging the order dated 29-3-2005 in O.A.No. 489 of 2005 on the file of the A.P. Administrative Tribunal.

2. The petitioner was a Matron Grade-II and was working in Girls Hostel (B.C.) Penumur, Chittoor District. Charges were framed against her for dereliction of duty. Ultimately, she was punished with deferment of five increments with cumulative effect. The said punishment came to be challenged by the petitioner before the Tribunal. The Tribunal, however, disposed of the O.A. on the ground that petitioner has a right of appeal against the impugned order of punishment. The Tribunal further directed the petitioner to file an appeal before the appellate authority. The Tribunal disposed of the O.A. with the following directions.

> *"Under the circumstances, it would be just and proper to dispose of this O.A.with a direction to the Applicant to file an appeal before the appellate authority and on such appeal being filed by the applicant, the appellate authority shall consider the appeal within two months from the date of receipt of the appeal. The O.A. is disposed of accordingly. There will be no order as to costs."*

3. We find that the order of punishment was imposed after obtaining the permission from the Government. Therefore, no useful purpose will be served and we also find from the order of the punishment that the Government confirmed the punishment of stoppage of five increment with cumulative effect. In such a situation, no useful purpose will be served by filing an appeal.

4. Under these circumstances, the order of the Tribunal is not sustainable and accordingly it is liable to be set aside.

5. The Writ Petition is allowed and the matter is remitted back to the Tribunal for fresh consideration by issuing notices to the concerned parties. The Tribunal is further directed to dispose of the O.A. within two months from the date of receipt of a

copy of this order. No order as to costs.

_____

G.Bikshapathy, J.

_____

P.S.Narayana, J.

26th April, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector (B.C.W.),
Chittoor, Chittoor District.
2 The Commissioner of Backward Class Welfare, Government of . Andhra Pradesh,
Telugu Samkshams Bhavan, Masab Tank,
Hyderabad(AP)
3 The Government of Andhra Pradesh, rep.by its Secretary,
Backward Class Welfare Department, Secretariat Buildings,
Hyderabad.

4. 2 CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad . . (OUT)

5 2 CD copies

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

-

WRIT PETITION NO : 9384 of 2005

-

-

-

-

-

26th April, 2005.